

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2001**

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Sir, I move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

*The question was proposed*

SHRI NILOTPAL BASU (West Bengal): Sir, we had raised certain objections, and those questions have not been answered. What we have said was that we want to understand as to how, in this form, this Amendment can be moved. We are saying that the Bill infringes upon some of the basic features of the Constitution. The removal of domicile status changes the character of the Council of States. That question has not been answered. Earlier, we were given an impression that there will be some consultation before the introduction of the Bill. No such consultation has taken place. We thoroughly object to this. ...*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM (Uttaranchal) : We can discuss it at length in the House. ...*(Interruptions)*...

SHRI NILOTPAL BASU: No, no. You have also to understand that this is not a democratic measure. ...*(Interruptions)*... You are bringing a normal amendment, which, in fact, should have been a constitutional amendment, and you are not answering the query that how this House has the legislative competence to enact this in the present form. It is infringing upon the basic features of the Constitution. Now, in the Council of States, a State will be represented by people who are not domicile of the State. I do not know as to what will be the view of the regional parties who have allied with the N.D.A. I do not know as to what will be the position of Shri Satish Pradhan or Shri S. Viduthalai Virumbi on this question. ...*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM: Do you want fake certificates from each State? ...*(Interruptions)*...

SHRI NILOTPAL BASU: I do not want any lecture from you. I want a clarification from the Government. In my view, this is infringing upon the basic features of the Constitution. Our constitutional framers had conceived

the Constitution in a certain manner. In that scheme of things, the Council of States has a certain role to play, and in that context, we think that if this change is to be made, it has to be a constitutional amendment Bill. It cannot be a normal amendment. ...(*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu) : Mr. Nilotpal Basu, it is only a Council of States. It is not a Council of Federations.

MR. CHAIRMAN: The Minister wants to say something.

SHRI ARUN JAITLEY: Sir, my respectful submission is that it is only this House and the other House, which really have the power to legislate and, therefore, any legislation will have to come before this hon. House.

As far as the two questions here are concerned, there have been even in the past a large number of consultations, and, in any case, these are both aspects which will have to be first considered by the Standing Committee and, then, they will come up before the House, and, therefore, my request would be this. Even on earlier occasions, this question which Mr. Basu has raised, had come up squarely for discussion in a meeting which the Election Commission had called between all political parties; his Party had not agreed, but a large number of parties, including some of the Left Parties, had agreed to this particular proposal. In any case, this House will have a final view when the Bill comes up for discussion, after going through the Standing Committee.

MR. CHAIRMAN: That is all right. The question is:

"That leave be granted to introduce a Bill further to' amend the Representation of the People Act, 1951."

*The motion was adopted.*

SHRI ARUN JAITLEY: Sir, I introduce the Bill.